

## EXHIBIT A

A (Rev. 1/94) Subpoena in a Civil Case

Issued by the

**UNITED STATES DISTRICT COURT****WESTERN DISTRICT OF WASHINGTON**

CONNECTU LLC

V.

**SUBPOENA IN A CIVIL CASE**

FACEBOOK, INC., ET AL.

Case Number: 1:04-CV-11923

USDC District of Massachusetts

TO: Pacific Northwest Software  
 2210 177th Place NE  
 Redmond WA 98052

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

Orrick, Herrington &amp; Sutcliffe LLP, 719 Second Avenue, Suite 900, Seattle, WA

October 18, 2006, 9:00 a.m.

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Attachment A

PLACE

DATE AND TIME

Orrick, Herrington &amp; Sutcliffe LLP, 719 Second Avenue, Suite 900, Seattle, WA

October 11, 2006, 9:00 a.m.

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(5).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

September 26, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Theresa A. Sutton, Counsel for Defendants Facebook, Zuckerberg, Moskovitz, McCollum, and Hughes (Tel: 650.614.7-00)  
 Orrick, Herrington & Sutcliffe LLP  
 1900 Marsh Road, Menlo Park, CA 94025

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on every page)

If action is pending in district other than district of issuance, state district under case number:

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,  
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,  
CHRISTOPHER HUGHES, and FACEBOOK,  
INC.,

Defendants.

MARK ZUCKERBERG, and FACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER  
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

CIVIL ACTION NO. 1:04-CV-11923  
(DPW)

AMENDED NOTICE OF SUBPOENA TO PACIFIC NORTHWEST SOFTWARE  
TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT pursuant to Rules 30 and 45 of the Federal Rules of Civil Procedure Defendant and Counterclaimant Facebook, Inc. will take, by oral examination, the deposition of Pacific Northwest Software, which will commence on October 18, 2006, at 9:00 A.M. at the law offices of Orrick, Herrington & Sutcliffe LLP, 719 Second Avenue, Seattle, Washington, or at a time and place agreed upon by counsel. The deposition will continue from day to day until completed. The testimony of Pacific Northwest

-1-

NOTICE OF SUBPOENA TO PACIFIC NORTHWEST SOFTWARE

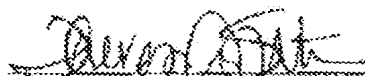
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Software will be recorded by video, as well as stenographic means including the instant visual display of testimony. The deposition will be taken before an officer authorized by law to administer oaths pursuant to Rule 28 of the Federal Rules of Civil Procedure.

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Pacific Northwest Software shall designate one or more officers, directors, agents, employees or other persons who have knowledge of and will to testify on behalf of Pacific Northwest Software with respect to the subjects specified in Attachment B.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 45 of the Federal Rules of Civil Procedure, Facebook will request that Pacific Northwest Software produce the documents identified in Attachment A to the subpoena for inspection and copying on October 11, 2006, at the address listed in the subpoena. A true and correct copy of the subpoena is attached.

Dated: September 26, 2006



Theresa A. Sutton (*Admitted Pro Hac Vice*)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road  
Menlo Park, CA 94025  
Telephone: (650) 614-7400  
Facsimile: (650) 614-7401

PROSKAUER ROSE, LLP  
One International Plaza, 14th Floor  
Boston, MA 02110-2600  
Telephone: (617) 526-9600  
Facsimile: (617) 526-9899

Attorneys for Mark Zuckerberg,  
Dustin Moskovitz, Andrew McCollum,  
Christopher Hughes, and Facebook, Inc.

**Attachment A**

1. All communications that refer to, relate to, or reflect the organization or membership of ConnectU LLC as of September 2, 2004, including all communications with any party representing ConnectU LLC or [www.connectu.com](http://www.connectu.com) which reflects work performed for ConnectU LLC or the responsibilities of that party to ConnectU LLC.
2. All communications that refer to Divya Narendra (including as a recipient of any such communication) and that summarize, describe, refer or relate to ConnectU LLC, [www.connectu.com](http://www.connectu.com), or HarvardConnection.
3. All communications between you and HarvardConnection; iMarc, LLC; ConnectU, LLC; ConnectU, Inc.; Cameron Winklevoss; Tyler Winklevoss; Howard Winklevoss; and/or Maria Antonelli.
4. All communications that summarize, describe or refer to the formation and membership of ConnectU LLC or Harvard Connection.
5. All handwritten notes, billing records, emails, electronic communications, or the like, which refer or relate to ConnectU LLC, [www.connectu.com](http://www.connectu.com), [www.facebook.com](http://www.facebook.com), and/or TheFacebook.
6. All billing or similar records for work performed for, on behalf of, or by, Harvard Connection, ConnectU LLC, and/or [www.connectu.com](http://www.connectu.com), including the dates of such work.
7. All communications that summarize the role of Winklevoss Consultants, Inc., Winklevoss Technologies, LLC or Winklevoss LLC, to the extent that such communications also concern Harvard Connection, ConnectU LLC or [www.connectu.com](http://www.connectu.com).

**Attachment B****Topics for Deposition**

1. The creation of, authenticity of, location of, attempt to identify, and efforts to locate and produce all documents identified in Attachment A of this subpoena *duces tecum*.
2. Communications regarding the organization or membership of ConnectU LLC as of September 2, 2004, including all communications with any party representing ConnectU LLC or [www.connectu.com](http://www.connectu.com) which reflects work performed for ConnectU LLC or the responsibilities of that party to ConnectU LLC.
3. Communications regarding Divya Narendra and ConnectU LLC, [www.connectu.com](http://www.connectu.com), or HarvardConnection.
4. Communications between you and HarvardConnection; iMarc, LLC; ConnectU, LLC; ConnectU, Inc.; Cameron Winklevoss; Tyler Winklevoss; Howard Winklevoss; and/or Maria Antonelli.
5. Communications regarding the formation and membership of ConnectU LLC or Harvard Connection.
6. Corporate (including, without limitation, notes, billing, or financial) records that refer to ConnectU LLC, [www.connectu.com](http://www.connectu.com), [www.facebook.com](http://www.facebook.com), TheFacebook, and/or Harvard Connection.
7. Your relationship with, including any work you performed for ConnectU LLC, [www.connectu.com](http://www.connectu.com), and Harvard Connection.
8. Communications regarding Winklevoss Consultants, Inc, Winklevoss Technologies, LLC or Winklevoss LLC, to the extent that such communications also concern Harvard Connection, ConnectU LLC or [www.connectu.com](http://www.connectu.com).



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US LEGAL SUPPORT

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**U.S. LEGAL SUPPORT**  
 4232-1 Las Virgenes Road, Suite 100, Calabasas, California 91302  
 PHONE: (818) 878-9227 FAX: (818) 878-9951

00362462-38

**DECLARATION OF CUSTODIAN OF RECORDS**

RECORDS ON: Connecticut

S.O.B.: S.S.N.:

LOCATION: Pacific Northwest Software

I being the duly authorized custodian of records and having the authority to certify the records,  
 declare the following:

**1. DESCRIPTION OF RECORDS PRODUCED:** (Must select at least one)

☐ Medical ☐ Billing ☐ Radiological ☐ Insurance ☐ Employment  
☐ Payroll ☐ Academic ☐ Other

The records were prepared by the personnel of the business in the ordinary course of business at  
 or near the time of the act, condition, or event.

**2. THE RECORDS INDICATED BELOW WERE REQUESTED BUT DO NOT EXIST:**

☐ Medical ☐ Billing ☐ WCAB Recs ☐ Insurance ☐ Physical Therapy ☐ Sign-in sheets  
☐ Employment ☐ Pathology reports/materials ☐ Prescription/Pharmacy ☐ Photographs  
☐ Videotapes ☐ Paramedic/Ambulance ☐ Psychiatric ☐ Payroll ☐ Academic ☐ Xrays  
☐ Radiological ☐ Other/Explanation

**3. IN WHAT MANNER WERE THE PRODUCED RECORDS PREPARED:** (Must select at least one)

☐ Data/Computer Generated ☐ Typed/Hand Written Notes ☐ Summary ☐ Radiological  
☐ Audio/Video ☐ Pathological ☐ Other

**4. CERTIFICATION OF RECORDS COPIED OR OBTAINED:** (Must select at least one)

☐ The produced records is a true copy of all the records described in the Deposition Subpoena,  
 Subpoena Duces Tecum or Authorization.  
☐ Pursuant to Evidence Code Section 1560(e), the original records described in the  
 Deposition Subpoena/Subpoena Duces Tecum were delivered to the Attorney or the  
 Attorney's representative for copying at the witness' place of business.  
☐ The following records were omitted or could not be produced at this time for the following reason:

**5. CERTIFICATION OF NO RECORDS:** (Must Select at least one)

☐ A thorough search of our files, carried out under my direction revealed no documents,  
 records or other material called for in the Subpoena or Authorization.  
☐ Existing records not within the time limitation set forth in the request.  
☐ All records have been destroyed in accordance with our document retention policy.  
☐ Other explanation:

Under penalty of perjury and under the laws of California, I the CUSTODIAN of RECORDS,  
 declare that the foregoing is true and correct.

Date: \_\_\_\_\_ City: \_\_\_\_\_ California.

Custodian  
 Signature

Print name \_\_\_\_\_ Signed \_\_\_\_\_

**(OFFICE USE ONLY) CERTIFICATION OF PROFESSIONAL PHOTOCOPIER**

I, the undersigned, declare that I made true copies of all of the original records that were given to me  
 by the Custodian of Records at the above named location. I declare under penalty of perjury that the  
 foregoing is true and correct.

Executed on \_\_\_\_\_ At \_\_\_\_\_ California

Print name \_\_\_\_\_ Signed \_\_\_\_\_

10:05

816-876-3881

US LEGAL SUPPORT

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10/19/06 Subpoena in a Civil Case

Issued by the

**UNITED STATES DISTRICT COURT**

WESTERN DISTRICT OF WASHINGTON

CONNECTU LLC

V.

**SUBPOENA IN A CIVIL CASE**

FACEBOOK, INC., ET AL

Case Number: 1:04-CV-11923

USDC District of Massachusetts

TO: John Taves

1514 233rd Place, NE #1

Sammamish, Washington 98074

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

Orrick, Herrington &amp; Sutcliffe LLP, 719 Second Avenue, Suite 900, Seattle, WA

October 18, 2006, 1:00 p.m.

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Attachment A

PLACE

DATE AND TIME

Orrick, Herrington &amp; Sutcliffe LLP, 719 Second Avenue, Suite 900, Seattle, WA

October 11, 2006, 9:00 a.m.

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

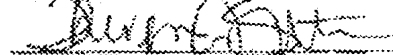
PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(5).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



September 26, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Theresa A. Sutton, Counsel for Defendants Facebook, Zuckerberg, Moskowitz, McCollum, and Hughes (Tel: 650.514.7400)  
Orrick, Herrington & Sutcliffe LLP  
1800 Marsh Road, Menlo Park, CA 94025

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on next page)

If action is pending in district other than district of issuance, state district under case number.



## Local Rules of Civil Procedure, Parts C &amp; D:

## PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena is issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (3) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (ii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unclaimed expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person in whose the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,  
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,  
CHRISTOPHER HUGHES, and FACEBOOK,  
INC.,

Defendants.

MARK ZUCKERBERG, and FACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER  
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

CIVIL ACTION NO. 1:04-CV-11923  
(DPW)

NOTICE OF SUBPOENA TO JOHN TAVES

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT pursuant to Rules 30 and 45 of the Federal Rules of Civil Procedure Defendant and Counterclaimant Facebook, Inc. will take, by oral examination, the deposition of John Taves, which will commence on October 18, 2006, at 1:00 P.M. at the law offices of Orrick, Herrington & Sutcliffe, LLP, 719 Second Avenue, Seattle, Washington, or at a time and place agreed upon by counsel. The deposition will continue from

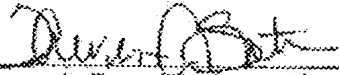
-1-

NOTICE OF SUBPOENA TO JOHN TAVES

day to day until completed. The testimony of Mr. Taves will be recorded by video, as well as stenographic means including the instant visual display of testimony. The deposition will be taken before an officer authorized by law to administer oaths pursuant to Rule 28 of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 45 of the Federal Rules of Civil Procedure, Facebook will request that Mr. Taves produce the documents identified in Attachment A to the subpoena for inspection and copying at the same date, time and address listed in the subpoena. A true and correct copy of the subpoena is attached.

Dated: September 26, 2006



Theresa A. Sutton (*Admitted Pro Hac Vice*)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road  
Menlo Park, CA 94025  
Telephone: (650) 614-7400  
Facsimile: (650) 614-7401

PROSKAUER ROSE, LLP  
One International Plaza, 14th Floor  
Boston, MA 02110-2600  
Telephone: (617) 526-9500  
Facsimile: (617) 526-9899

Attorneys for Mark Zuckerberg,  
Dustin Moskovitz, Andrew McCollum,  
Christopher Hughes, and Facebook, Inc.

## Attachment A

1. All communications that refer to, relate to, or reflect the organization or membership of ConnectU LLC as of September 2, 2004, including all communications with any party representing ConnectU LLC or [www.connectu.com](http://www.connectu.com) which reflects work performed for ConnectU LLC or the responsibilities of that party to ConnectU LLC.
2. All communications that refer to Divya Narendra (including as a recipient of any such communication) and that summarize, describe, refer or relate to ConnectU LLC, [www.connectu.com](http://www.connectu.com), or HarvardConnection.
3. All communications between you and HarvardConnection; iMare, LLC; ConnectU, LLC; ConnectU, Inc.; Cameron Winklevoss; Tyler Winklevoss; Howard Winklevoss; and/or Maria Antonelli.
4. All communications that summarize, describe or refer to the formation and membership of ConnectU LLC or Harvard Connection.
5. All handwritten notes, billing records, emails, electronic communications, or the like, which refer or relate to ConnectU LLC, [www.connectu.com](http://www.connectu.com), [www.facebook.com](http://www.facebook.com), and/or TheFacebook.
6. All billing or similar records for work performed for, on behalf of, or by, Harvard Connection, ConnectU LLC, and/or [www.connectu.com](http://www.connectu.com), including the dates of such work.
7. All communications that summarize the role of Winklevoss Consultants, Inc., Winklevoss Technologies, LLC or Winklevoss LLC, to the extent that such communications also concern Harvard Connection, ConnectU LLC or [www.connectu.com](http://www.connectu.com).

10:06

918-878-9851

LS LEGAL SUPPORT

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**LEGAL SUPPORT**

1 Las Virgenes Road, Suite 100, Calabasas, California 91302  
 JNE: (818) 878-9227 FAX: (818) 878-9851

00362462-04

**DECLARATION OF CUSTODIAN OF RECORDS**

RECORDS ON: Connastu

D.O.B.:

S.S.N.:

LOCATION: John Taves

I being the duly authorized custodian of records and having the authority to certify the records,  
 declare the following:

**1. DESCRIPTION OF RECORDS PRODUCED:** (Must select at least one)

☐ Medical ☐ Billing ☐ Radiological ☐ Insurance ☐ Employment  
☐ Payroll ☐ Academic ☐ Other

The records were prepared by the personnel of the business in the ordinary course of business at  
 or near the time of the act, condition, or event.

**2. THE RECORDS INDICATED BELOW WERE REQUESTED BUT DO NOT EXIST:**

☐ Medical ☐ Billing ☐ WCAB Recs ☐ Insurance ☐ Physical Therapy ☐ Sign-in sheets  
☐ Employment ☐ Pathology reports/materials ☐ Prescription/Pharmacy ☐ Photographs  
☐ Videotapes ☐ Paramedic/Ambulance ☐ Psychiatric ☐ Payroll ☐ Academic ☐ Xrays  
☐ Radiological ☐ Other/Explanation

**3. IN WHAT MANNER WERE THE PRODUCED RECORDS PREPARED:** (Must select at least one)

☐ Data/Computer Generated ☐ Typed/Hand Written Notes ☐ Summary ☐ Radiological  
☐ Audio/Video ☐ Pathological ☐ Other

**4. CERTIFICATION OF RECORDS COPIED OR OBTAINED:** (Must select at least one)

☐ The produced records is a true copy of all the records described in the Deposition Subpoena,  
 Subpoena Duces Tecum or Authorization.  
☐ Pursuant to Evidence Code Section 1580(e), the original records described in the  
 Deposition Subpoena/Subpoena Duces Tecum were delivered to the Attorney or the  
 Attorney's representative for copying at the witness' place of business.  
☐ The following records were omitted or could not be produced at this time for the following reason:

**5. CERTIFICATION OF NO RECORDS:** (Must Select at least one)

☐ A thorough search of our files, carried out under my direction revealed no documents,  
 records or other material called for in the Subpoena or Authorization.  
☐ Existing records not within the time limitation set forth in the request.  
☐ All records have been destroyed in accordance with our document retention policy.  
☐ Other explanation:

Under penalty of perjury and under the laws of California, I the CUSTODIAN of RECORDS,  
 declare that the foregoing is true and correct.

Date: \_\_\_\_\_ City: \_\_\_\_\_ California.

Custodian  
 Signature

Print name \_\_\_\_\_ Signed \_\_\_\_\_

**(OFFICE USE ONLY) CERTIFICATION OF PROFESSIONAL PHOTOCOPIER**

I, the undersigned, declare that I made true copies of all of the original records that were given to me  
 by the Custodian of Records at the above named location. I declare under penalty of perjury that the  
 foregoing is true and correct.

Executed on \_\_\_\_\_ At \_\_\_\_\_ California

Print name \_\_\_\_\_ Signed \_\_\_\_\_



**U.S. LEGAL SUPPORT**

Reference Number# 00362462-05

**DUE: 10/11/06**

☒ **Calabases**  
4232-1 Las Virgenes Road  
Calabases, CA 91302  
Phone: 818-878-3008  
Fax: 818-878-9851

☐ **Pasadena**  
127 N. Madison Ave., Suite 104  
Pasadena, CA 91101  
Phone: 626-397-9693  
Fax: 626-397-9694

☐ **Santa Monica**  
3231 Ocean Park, Suite 106  
Santa Monica, CA 90405  
Phone: 310-396-6414  
Fax: 310-396-1764

☐ **Sacramento**  
1330 Harbor Blvd., Suite 207  
West Sacramento, CA 95691  
Phone: 916-372-2200  
Fax: 916-372-2077

☐ **San Diego**  
1751 Hotel Circle South, Suite 230  
San Diego, CA 92108  
Phone: 619-293-3683  
Fax: 619-293-3664

☐ **Inland Empire**  
1420 E. Cooley Drive, Suite 102  
Colton, CA 92324  
Phone: 909-872-0787  
Fax: 909-872-0882

☐ **Orange County**  
1748 W. Katella Ave., Suite 209  
Orange, CA 92667  
Phone: 714-532-1600  
Fax: 714-532-1011

☐ **San Francisco**  
144 South Spruce Ave.  
So. San Francisco, CA 94080  
Phone: 650-873-9181  
Fax: 650-873-8081

**NOTICE TO PARTIES BEING SUBPOENAED****TO THE CUSTODIAN OF RECORDS OF:**

Pacific Northwest Software  
2210 177th Place NE  
Redmond, WA 98052

**RECORDS REGARDING:**

ConnectU  
DOB:  
SSN:

**RECORDS SOUGHT:**

Obtain all documents and records, including all communications that refer to, relate to, or reflect the organization or membership of ConnectU LLC, Divya Narendra, etc. SEE ATTACHMENT A AND B FOR DETAILS.

- 1) Remember to sign the enclosed Declaration of Custodian of Records form.
- 2) Please include our reference number, 00362462-06, on all correspondence.

You may satisfy the provisions of this subpoena by complying with any one of the following instructions:

- 1) Allow U.S. LEGAL SUPPORT to photocopy the requested records.
- 2) Appear at the scheduled time and place, bringing with you the originals of all of the records described in the subpoena.
- 3) Mail your response to our attention, taking the following steps:
  - a. Copy the requested records (or duplicate the requested items or materials). If no such records or materials, go to step c.
  - b. **Contact U.S. LEGAL SUPPORT prior to sending the records if there are any additional fees for producing the records or materials.**
  - c. Complete the declaration form (the last page in the subpoena packet sent to you) to indicate the records and/or items being sent, or to indicate that you have none of the records and/or items requested if they do not exist.
  - d. Mail records to the field office whose address is checked off at the top of this notice. Please make sure to include our reference number (found in the upper right hand corner of this notice) on all correspondence you send.

**WHEN THE AFOREMENTIONED RECORDS ARE AVAILABLE TO BE COPIED, PLEASE CONTACT THE OFFICE INDICATED ABOVE.**

**IF YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED SUBPOENA OR HOW TO RESPOND, PLEASE FEEL FREE TO GIVE US A CALL.**

Reference Number# 00362462-06 DUE: 10/11/06



# 45, Federal Rules of Civil Procedure, Parts C & D:

## (3) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (B) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly conducts business in person, except that, subject to the provisions of clause (e) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to prevent a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (4) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparatory materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

## EXHIBIT B

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO  
SAVERIN, DUSTIN MOSKOWITZ,  
ANDREW MCCOLLUM, CHRISTOPHER  
HUGHES, THE FACEBOOK, INC.,

Defendants.

CIVIL ACTION NO. 2004-11923 DPW

MARK ZUCKERBERG, THE FACEBOOK, INC.

Plaintiff-in-Counterclaim,

v.

CONNECTU LLC,

Defendant-in-Counterclaim,

and

CAMERON WINKLEVOSS, TYLER  
WINKLEVOSS, DIVYA NARENDRA,

Additional Defendants-  
in-Counterclaim.

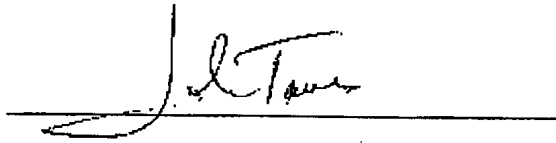
AFFIDAVIT OF JOHN TAVES IN SUPPORT OF MOTION TO QUASH SUBPOENA  
DUCES TECUM

I, John Taves, hereby declare and state the following under oath:

1. I am the principal owner, director and officer of Pacific Northwest Software, Inc. ("PNWS"). I am an authorized records custodian of Pacific Northwest Software, Inc. I make this declaration based upon personal knowledge.
2. I was served with a subpoena duces tecum by Facebook for the production of documents relating to my former customer, ConnectU, LLC in *ConnectU v. Facebook, Inc., et al* , Cause Number 1:04-CV-11923, USDC District of Massachusetts on or about September 28, 2006. *See Exhibit A.*
3. PNWS offers custom software and web development for companies. PNWS performed development services for ConnectU, LLC from December 2004 through June 2006.
4. I executed records custodian affidavits as to requests 1, 2 and 4 of the subpoena duces tecum. After searching the files and back-up server for PNWS, no responsive documents were located. *See Exhibit C.*
5. PNWS did not start working for ConnectU until late December 2004.
6. The communications that Facebook seeks in the subpoena duces tecum include all communications that PNWS had with ConnectU, without any date restriction. There are over 500 documents that were pulled from the server that may include communications involving ConnectU. These communications involve confidential, proprietary matters. The requests are overbroad in that they also seek documents that while they reference ConnectU, also include confidential, proprietary information regarding some of PNWS's other clients. These documents include materials that would disclose PNWS marketing strategies, business strategies and other financial and business information. Such information would need to be redacted prior to disclosure.

7. Facebook also seeks billing records and invoices regarding ConnectU. Payment was handled through wire transfers and would include the disclosure of confidential financial information of both ConnectU and PNWS.

The foregoing declaration is made and signed under the penalties of perjury of the laws of the state of Massachusetts, and signed at Redmond, Washington, on October 19, 2006.

A handwritten signature in black ink, appearing to read "John Taves", is written over a horizontal line.

John Taves

**EXHIBIT C**



10/18 918-878-9851

US LEGAL SUPPORT

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**LEGAL SUPPORT**

1 Las Virgenes Road, Suite 100, Calabasas, California 91302  
 JNE: (818) 878-9227 FAX: (818) 878-9851

00362462-04

**DECLARATION OF CUSTODIAN OF RECORDS**RECORDS ON: ConnecticutD.O.B.: S.S.N.LOCATION: John Taveau

I, being the duly authorized custodian of records and having the authority to certify the records,  
 declare the following:

**1. DESCRIPTION OF RECORDS PRODUCED:** (Must select at least one)

Medical Billing Radiological Insurance Employment  
Payroll Academic Other

The records were prepared by the personnel of the business in the ordinary course of business at  
 or near the time of the act, omission, or event.

**2. THE RECORDS INDICATED BELOW WERE REQUESTED BUT DO NOT EXIST:**

Medical Billing WCAB Recs Insurance Physical Therapy Sign-in sheets  
Employment Pathology reports/materials Prescription/Pharmacy Photographs  
Videotapes Paramedic/Ambulance Psychiatric Payroll Academic Xrays  
Radiological X Other/Explanation records relating to Requests 1, 2 and 4 on Attachment A

**3. IN WHAT MANNER WERE THE PRODUCED RECORDS PREPARED:** (Must select at least one)

Data/Computer Generated Typed/Hand Written Notes Summary Radiological  
Audio/Video Pathological Other

**4. CERTIFICATION OF RECORDS COPIED OR OBTAINED:** (Must select at least one)

The produced records is a true copy of all the records described in the Deposition Subpoena,  
 Subpoena Duces Tecum or Authorization.

Pursuant to Evidence Code Section 1560(c), the original records described in the  
 Deposition Subpoena/Subpoena Duces Tecum were delivered to the Attorney or the  
 Attorney's representative for copying at the witness' place of business.

X The following records were omitted or could not be produced at this time for the following reason:

Records relating to Requests 3, 5, 6 and 7 - see separate objection; a motion for protective

**5. CERTIFICATION OF NO RECORDS:** (Must select at least one) order will be filed

X A thorough search of our files, carried out under my direction revealed no documents,  
 records or other material called for in the Subpoena or Authorization. (Relating to Requests 1, 2 and 4)

Existing records not within the time limitation set forth in the request.

All records have been destroyed in accordance with our document retention policy

Other explanation:

Under penalty of perjury and under the laws of California, I the CUSTODIAN of RECORDS,  
 declare that the foregoing is true and correct.

Date: 10/17/06City: RedwoodWashington  
000000Custodian  
SignaturePrint name: JOHN TAVEAUSigned: [Signature]**(OFFICE USE ONLY) CERTIFICATION OF PROFESSIONAL PHOTOCOPIER**

I, the undersigned, declare that I made true copies of all of the original records that were given to me  
 by the Custodian of Records at the above named location. I declare under penalty of perjury that the  
 foregoing is true and correct.

Executed on \_\_\_\_\_

At \_\_\_\_\_

California

Print name \_\_\_\_\_

Signed \_\_\_\_\_

2886 18:85 810-878-9851

US LEGAL SUPPORT

PART 18/25

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**S. LEGAL SUPPORT**4232-1 Las Virgenes Road, Suite 100, Calabasas, California 91302  
PHONE: (818) 878-9227 FAX: (818) 878-9851

00382482-08

**DECLARATION OF CUSTODIAN OF RECORDS**

RECORDS ON: Connecticut

D.O.B.: S.S.N.

LOCATION: Pacific Northwest Software

I being the duly authorized custodian of records and having the authority to certify the records, declare the following:

**1. DESCRIPTION OF RECORDS PRODUCED:** (Must select at least one)☐ Medical ☐ Billing ☐ Radiological ☐ Insurance ☐ Employment  
☐ Payroll ☐ Academic ☐ Other

The records were prepared by the personnel of the business in the ordinary course of business at or near the time of the act, condition, or event.

**2. THE RECORDS INDICATED BELOW WERE REQUESTED BUT DO NOT EXIST:**☐ Medical ☐ Billing ☐ WCAB Recs ☐ Insurance ☐ Physical Therapy ☐ Sign-in sheets  
☐ Employment ☐ Pathology reports/materials ☐ Prescription/Pharmacy ☐ Photographs  
☐ Videotapes ☐ Paramedic/Ambulance ☐ Psychiatric ☐ Payroll ☐ Academic ☐ Xrays  
☐ Radiological ☒ Other/Explanation: records relating to Requests 1, 2 and 4 on Attachment A**3. IN WHAT MANNER WERE THE PRODUCED RECORDS PREPARED:** (Must select at least one)☐ Data/Computer Generated ☐ Typed/Hand Written Notes ☐ Summary ☐ Radiological  
☐ Audio/Video ☐ Pathological ☐ Other**4. CERTIFICATION OF RECORDS COPIED OR OBTAINED:** (Must select at least one)☐ The produced records is a true copy of all the records described in the Deposition Subpoena, Subpoena Duces Tecum or Authorization.  
☐ Pursuant to Evidence Code Section 1560(e), the original records described in the Deposition Subpoena/Subpoena Duces Tecum were delivered to the Attorney or the Attorney's representative for copying at the witness' place of business.  
☒ The following records were omitted or could not be produced at this time for the following reason:  
Records relating to Requests 3, 5, 6 and 7 - see separate objection; a motion for protective**5. CERTIFICATION OF NO RECORDS:** (Must Select at least one) order will be filed☒ A thorough search of our files, carried out under my direction revealed no documents, records or other material called for in the Subpoena or Authorization. (Relating to Requests 1, 2 and 4)  
☐ Existing records not within the time limitation set forth in the request.  
☐ All records have been destroyed in accordance with our document retention policy.  
☐ Other explanation:

Under penalty of perjury and under the laws of California, I the CUSTODIAN of RECORDS, declare that the foregoing is true and correct.

Date: 10/17/06

City: Redwood

Washington

XXXXXX

Custodian  
Signature

Print name: JOHN TAVES

Signed: [Signature]

**(OFFICE USE ONLY) CERTIFICATION OF PROFESSIONAL PHOTOCOPIER**

I, the undersigned, declare that I made true copies of all of the original records that were given to me by the Custodian of Records at the above named location. I declare under penalty of perjury that the foregoing is true and correct.

Executed on

At

California

Print Name

Signed